

REMARKS

This paper is filed in response to the Office Action mailed September 22, 2006.

Claims 61-66 are pending in this application. Claims 61-66 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 61-66 are objected to under 35 U.S.C. § 101, for being directed to non-statutory subject matter. Claims 61-66 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,047,356 to Anderson et al (hereinafter referred to as "Anderson").

Applicant has amended claims 61-66. No new matter is added by these amendments, and support for the amendments may be found in the specification, claims, and figures as originally filed.

The rejection of the claims is respectfully traversed. Reconsideration is respectfully requested in light of the amendments above and the remarks below.

Claims 61-66 – § 112, first paragraph

The rejection of claims 61-66 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, is respectfully traversed.

To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. *See* M.P.E.P. § 2163. Further, to satisfy the enablement requirement, the patent must sufficiently enable one of ordinary skill in the art to make or use the invention without undue experimentation. *See* M.P.E.P. § 2164.

The Examiner requests support for the limitations of "a computer readable medium on which is encoded a computer program," as recited in claims 61-66. The specification describes storage devices, including hard disk drives, CD ROM, and a floppy disk drive, which are coupled to a processor. *See, e.g.*, Paragraph 33. One of ordinary skill in the art would recognize that the described storage devices are a form of "computer-readable medium [on] which [is] encoded a computer program" as claimed in claims 61-66. In fact, the Examiner notes, "Anderson however does not particularly disclose a computer-readable medium encoded a

computer program for performing the steps as being claimed in claims 61-66.” *Office Action*, page 5. But the Examiner goes on to say, “[h]owever, one of ordinary skill in the art would have recognized that computer readable medium (i.e., floppy, cd-rom, etc.) carrying computer-executable instructions for implementing a method, because it would facilitate the transporting and installing of the method on other systems, is generally well-known in the art.” *Id.* Thus, one of ordinary skill in the art would understand the specification of the present application as enabling the computer-readable medium claimed in claims 61-66.

Since the Specification contains support for the “computer-readable medium” limitations of claims 61-66, Applicant asserts that claims 61-66 comply with the enablement requirement. Applicant respectfully requests the Examiner withdraw the rejection of claims 61-66.

Claims 61-66 – § 101

The rejection of claims 61-66 under 35 U.S.C. § 101 as being directed to non-statutory subject matter for not producing a concrete and tangible result is respectfully traversed. To constitute statutory subject matter, a claim must result in a useful, concrete or tangible result. *See* M.P.E.P. § 2106.

In Office Action, the Examiner states that “the subject matters being claimed in claims 61-66 of the current invention are nonstatutory since they do not produce a useful, concrete and tangible result.” Respectfully, claims 61-66 are directed to statutory subject matter. Claim 61 recites “code for sending haptic effect to said haptic feedback device memory.” Sending a haptic effect to a haptic feedback device memory is analogous to the outputting of information, which is a useful, concrete, and tangible result. Because claims 62-66 depend from and further limit independent claim 61, claims 62-66 each constitute patentable subject matter for at least the same reason.

Respectfully, claims 61-66 claim statutory subject matter and satisfy the requirements of 35 U.S.C. § 101. Applicant respectfully requests the Examiner withdraw the rejection of claims 61-66.

Claims 61-62 and 64-66 – § 103(a)

The rejection of claims 61-62 and 64-66 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Anderson and the inherent knowledge of one of ordinary skill in the art is respectfully traversed.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the combined references must teach or suggest each and every element of the claim. *See* M.P.E.P. § 2142.

Because the combination of Anderson and the knowledge of one of ordinary skill in the art does not teach or suggest “code for creating a representation of a haptic feedback device memory in a computer memory,” as recited in claim 61, claim 61 is patentable over Anderson and the knowledge of one of ordinary skill in the art. In the preamble of claim 1 of the Anderson patent, Anderson recites a method for “caching data files from mass storage devices.” However, the data files are not haptic effect data and the mass storage device is not a haptic feedback memory device. As such, claim 61 is patentable over Anderson’s program on a computer readable medium.

On column 1, lines 14-15 of the Anderson patent, Anderson recites: “Nodes that are able to act as ‘servers’ are interfaced to mass storage devices such as disk drives.” A disk drive, however, is not a haptic feedback memory device. Accordingly, the combination of Anderson and the knowledge of one of ordinary skill in the art does not teach or suggest “code for creating a representation of a haptic feedback device memory in a computer memory,” as recited in claim 61.

For at least these reasons, Anderson and the knowledge of one of ordinary skill in the art does not teach or suggest “code for creating a representation of a haptic feedback device memory in a computer memory,” as recited in claim 61.

Because claims 62 and 64-66 depend from and further limit claim 61, Anderson does not teach or suggest the subject matter of claims 62 and 64-66 for at least the same reasons as claim 61. Therefore, Applicant respectfully requests the Examiner withdraw the rejection of claims 61-62 and 64-66.

Claim 63 – Objection

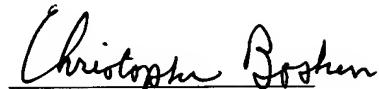
Claim 63 stands objected to as being dependent on rejected independent claim 61 but would be allowable if rewritten in independent form. Applicant appreciates the allowance of claim 63. However, in light of the amendment to claim 61 and the remarks above, Applicant respectfully asserts that claim 61 is allowable. Thus, claim 63 depends from an allowable base claim and is in condition for allowance. Therefore, Applicant respectfully requests the Examiner withdraw the objection to claim 63.

CONCLUSION

Applicant respectfully asserts that in view of the amendments and remarks above, all pending claims are allowable and Applicant respectfully requests the allowance of all claims.

Should the Examiner have any comments, questions, or suggestions of a nature necessary to expedite the prosecution of the application, or to place the case in condition for allowance, the Examiner is courteously requested to telephone the undersigned at the number listed below.

Respectfully submitted,



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Attachments